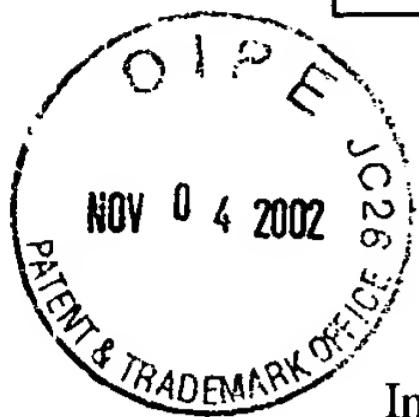


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P&G Case 8398



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Matthew Thomas Heisey, et al. : Confirmation No. 1681

Serial No. 09/759,965 : Group Art Unit: 1623

Filed: January 12, 2001 : Examiner: L.E. Crane

For LOW CARBOHYDRATE COMPOSITIONS, KITS THEREOF, AND METHODS OF USE

NOTICE OF APPEAL

Box AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 30, 2002 (Paper No. 11) of the Primary Examiner finally rejecting Claims 1,2,4, 7-14, 16 and 19-50.

Please charge the appeal fee of \$320.00, any processing fee under 37 CFR §1.17, and any other necessary fees to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company, Patent Division. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,

By —

S/Robert Chuey
Attorney for Applicants
Registration No. 39,140
(513) 634-0102

Date: October 30, 2002

Customer No. 27752

11/05/2002 AWONDAF1 00000028 162480 09759965

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Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 320.00)

Complete if Known	
Application Number	09/759,965
Confirmation Number	1681
Filing Date	January 12, 2001
First Named Inventor	Matthew Thomas Heisey
Examiner Name	L.E. Crane
Group/Art Unit	1623
Attorney Docket No.	8398

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METHOD OF PAYMENT (check one)			FEE CALCULATION (continued)																																																																																																																																
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 16-2480 Deposit Account Name The Procter & Gamble Company</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17</p>			<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Code</th> <th>(\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>Surcharge-late filing fee or oath</td><td><input type="checkbox"/></td></tr> <tr><td>1052</td><td>50</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="checkbox"/></td></tr> <tr><td>1053</td><td>130</td><td>Non-English specification</td><td><input type="checkbox"/></td></tr> <tr><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td><input type="checkbox"/></td></tr> <tr><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner's action</td><td><input type="checkbox"/></td></tr> <tr><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner's action</td><td><input type="checkbox"/></td></tr> <tr><td>1251</td><td>110</td><td>Extension for reply within 1st month</td><td><input type="checkbox"/></td></tr> <tr><td>1252</td><td>400</td><td>Extension for reply within 2nd month</td><td><input type="checkbox"/></td></tr> <tr><td>1253</td><td>920</td><td>Extension for reply within 3rd month</td><td><input type="checkbox"/></td></tr> <tr><td>1254</td><td>1,440</td><td>Extension for reply within 4th month</td><td><input type="checkbox"/></td></tr> <tr><td>1255</td><td>1,960</td><td>Extension for reply within 5th month</td><td><input type="checkbox"/></td></tr> <tr><td>1401</td><td>320</td><td>Notice of Appeal</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>1402</td><td>320</td><td>Filing a brief in support of an appeal</td><td><input type="checkbox"/></td></tr> <tr><td>1403</td><td>280</td><td>Request for oral hearing</td><td><input type="checkbox"/></td></tr> <tr><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td><input type="checkbox"/></td></tr> <tr><td>1452</td><td>110</td><td>Petition to revive - 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SUBMITTED BY			Complete (if applicable)																																																																																																																																
Name (Print/Type)	S. Robert Chuey	Registration No.	39,140	Telephone	(513) 634-0102																																																																																																																														
Signature			Date	October 30, 2002																																																																																																																															

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